

## REMARKS

Upon entry of this response, Claims 13-18, 20 and 21 remain pending in the present application. More specifically, Claims 13 and 16 are amended and Claim 19 is cancelled. An Office Action mailed April 28, 2008, objected to the drawings, rejected Claims 16 and 19 under 35 U.S.C. § 112, and rejected Claims 13, 15, 17, 18, 20 and 21 under 35 U.S.C. § 103. The amendments are specifically described hereinafter and it is believed these amendments add no new matter to the present application. Applicant hereby respectfully requests reconsideration of the application.

### ALLOWABLE CLAIM SUBJECT MATTER

Applicant acknowledges that the Office Action recited that the subject matter of Claims 14 and 16 is allowable, as noted in the Conclusion of the Office Action.

### OBJECTIONS TO THE DRAWINGS

In the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a). Specifically the Office Action alleged that subject matter disclosed in Claim 19 was not sufficiently shown in the drawings. These objections have been obviated by cancellation of Claim 19. Accordingly, Applicant respectfully requests withdrawal of the corresponding objections in the subsequent Office Action.

### REJECTIONS UNDER 35 U.S.C. § 112

In the Office Action, Claims 16 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 has been cancelled, and Claim 16 has been amended to depend from Claim 14 (instead of Claim 13), in accordance with the Office Action's suggestion (Office Action: page 2, last line). Applicant believes that the cancellation of Claim 16 and the amendment to Claim 19 obviate the rejections based on 35 U.S.C. § 112. Accordingly, Applicant respectfully requests withdrawal of the corresponding objections in the subsequent Office Action.



REJECTIONS UNDER 35 U.S.C. § 103

Claims 13, 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Riddle et al.* (U.S. Patent No. 1,725,302, hereinafter *Riddle*), in view of *Banning* (U.S. Patent No. 1,919,156, hereinafter *Banning*). Applicant respectfully traverses this rejection for at least the following reasons.

Independent Claim 13, as amended, is allowable for at least the reason that the proposed combination of *Riddle* and *Banning*, fails to disclose, teach, or suggest the feature of two cylinder tubes moving synchronously with one another vertically, these two cylinder tubes comprising internal seals at their respective lower ends. Support for this feature can be found in Applicant's specification on page 6, lines 22-25 and in element(s) 21 of FIGURES 1 and 2.

*Riddle* discloses a fluid pressurized lifting platform for use in the automotive repair industry (page 2, lines 1-7). The Office Action relied on cylinder units (21 and 22 of Figure 2) to allegedly teach two cylinder tubes moving synchronously with one another vertically. (Office Action: page 3, ¶3, lines 3-4). In contrast to what is claimed, these cylinder units 21 and 22 do not move, but are instead statically positioned underground (See Figure 2). *Riddle* only teaches of two pistons (7 and 8 of Figure 2), which are partially disposed inside cylinder units 21 and 22, and partially positioned outside of these cylinder units. The pistons are connected to frame beams 5 and 6, and when oil is injected into the cylinders, pistons 7 and 8 can be synchronously raised in the vertical direction (page 2, lines 80-101).

Neither cylinder units 21 and 22, nor pistons 7 and 8, are taught as comprising internal seals at their lower ends, as claimed. As such, even if the subsequent Office Action were to change its interpretation to rely on *Riddle*'s pistons 7 and 8 instead of its cylinder units 21 and 22 to allegedly teach two cylinder tubes moving synchronously with one another vertically, these pistons would still fail to teach the claimed feature of the two cylinder tubes comprising internal seals at their lower ends. At best, *Riddle* teaches of a shoulder attached at the head of the cylinders, which acts as a stop, when the pistons reach a maximum elevation point (page 3, lines 1-3). Thus, *Riddle* fails to disclose, teach, or suggest every element of the Applicant's claimed invention

*Banning* fails to cure this deficiency. *Banning* merely teaches of a tubular piston 11, whose lower end 12, is closed, comprising no seals (page 3, lines 48-54). Thus, *Banning* also fails to disclose two cylinder tubes comprising internal seals at their lower ends. Accordingly, the

proposed combination of *Riddle* and *Banning*, fails to disclose, teach, or suggest each and every claim limitation of Claim 13. Therefore, a proper *prima facie* case for obviousness supporting a rejection of Claim 13 under the proposed combination of *Riddle* and *Banning*, has not been made. Thus, Claim 13 is submitted as allowable.

Dependent Claims 15, 17, 18 and 20 are submitted as allowable for at least the reason that these dependent claims contain all limitations of independent Claim 13.

Claim 21 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Riddle* in view of *Banning*, in further view of *Makaroff* (U.S. Patent No. 2,339,086, hereinafter *Makaroff*). Neither *Riddle* nor *Banning* teach the above cited feature of two cylinder tubes moving synchronously with one another vertically, these two cylinder tubes comprising internal seals at their respective lower ends. *Makaroff* fails to cure this deficiency. *Makaroff* relates to systems for to boosting and economizing air compressor systems (page 2, lines 1-5) and is silent with respect to the above cited features. Thus, Claim 21 is submitted as allowable for the same reasons recited above for Claim 13.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all pending claims are now in condition for allowance. Favorable reconsideration and allowance of the present application is hereby requested. If the Examiner believes a telephone interview would expedite prosecution of the present application, the Examiner is invited to call Applicant's undersigned representative.

Respectfully submitted,

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